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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,739	01/15/2004	Steven K. Beuselinck	PLI-1198	4888

24984 7590 10/18/2005

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EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

Office Action Summary	Application No. 10/757,739	Applicant(s) BEUSELINCK ET AL.	
	Examiner Lee Y Quach	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-11, 13, 14 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2875

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informality: Page 5, line 22, “the term “IMB’s” is incorrect, in view of the term “INB” as set forth on line 3 of the same page, and should be changed to --INB's--. Appropriate correction is required.

Claim Objections

2. Claims 1 to 19 are objected to because of the following informalities: In claim 1, line 9, the term "back" is incorrect, in view of the term "rear cover" on line 2 of claim 1, and should be changed to --rear--. In claim 8, line 2, the term “figure” is incorrect, in view of the term “solid central image” on line 2 of claim 7, and should be changed to --image--. In claim 12, there is no clear antecedent basis for “said set of LEDs”. In claim 15, there is no clear antecedent basis for “said power source”. Note that the power source is first introduced in claim 13. Also, the range "3.4" is incorrect, in view of the range “3.3” on line 22 of page 6 of the description, and should be changed to --3.3--. In claim 16, there is no clear antecedent basis for “said HOLTEK HT-2884 integrated circuit”. Note that this integrated circuit is first introduced in claim 13. Also, there is no proper cooperation between the integrated circuit and the elements as recited in claim 1. In claim 19, there is no proper cooperation between the elements in claim 19 and the elements as set forth in claim 1. Claims 2 to 7 and 10, 11, 13 and 14 depend on objected claim 1 and as such are also objected. Claim 9 depends on objected claim 8 and as such is also objected. Claims 17 and 18 depend on objected claim 16 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Taggart.

Taggart shows a binder having a front cover (110) and a rear cover (110) with each cover having an outer surface, an inner surface, an outer end, an inner end, an upper edge and a lower

Art Unit: 2875

edge (figure 1), a spine (140) interconnecting the inner ends of the front and rear covers, indicia (b is for bear, figure 1) considered to be located adjacent a corner of the front cover in view of the term "adjacent" is a broadly recited term which defines near or close to but not necessarily touching, and the indicia illuminated by at least one LED (125) that is activated and controlled by a binder integral electronic control circuit (123, 160) having means (127) for selectively energizing the LEDs. Note that the recitation "notebook" binder occurs in the preamble and the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone. No patentable weight is given thereto.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taggart.

Taggart discloses the invention substantially as claimed with the exception of having the battery comprised of a coin cell battery having an output ranging from 2.4 to 3.4 volts.

It would have been obvious to one skilled in the art to use a coin cell battery having an output ranging from 2.4 to 3.4 volts, since such a modification would have involved a mere change in the size and capacity of the battery which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use different types of batteries including the type of battery as claimed for the compactness while accommodating different intended applications.

7. Claims 2 to 11, 13, 14 and 16 to 19 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2875

Wien and Regensburg are cited to show other pertinent notebook binder and illuminating binder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y.Q.
October 6, 2005



Y Quach Lee
Primary Examiner
Art Unit 2875